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RENEWED STRUGGLES

AN ADDRESS

DELIVERED AT THE ANNUAL MEETING OF

from
THE NATIONAL CIVIL-SERVICE REFORM LEAGUE

AT INDIANAPOLIS, IND.

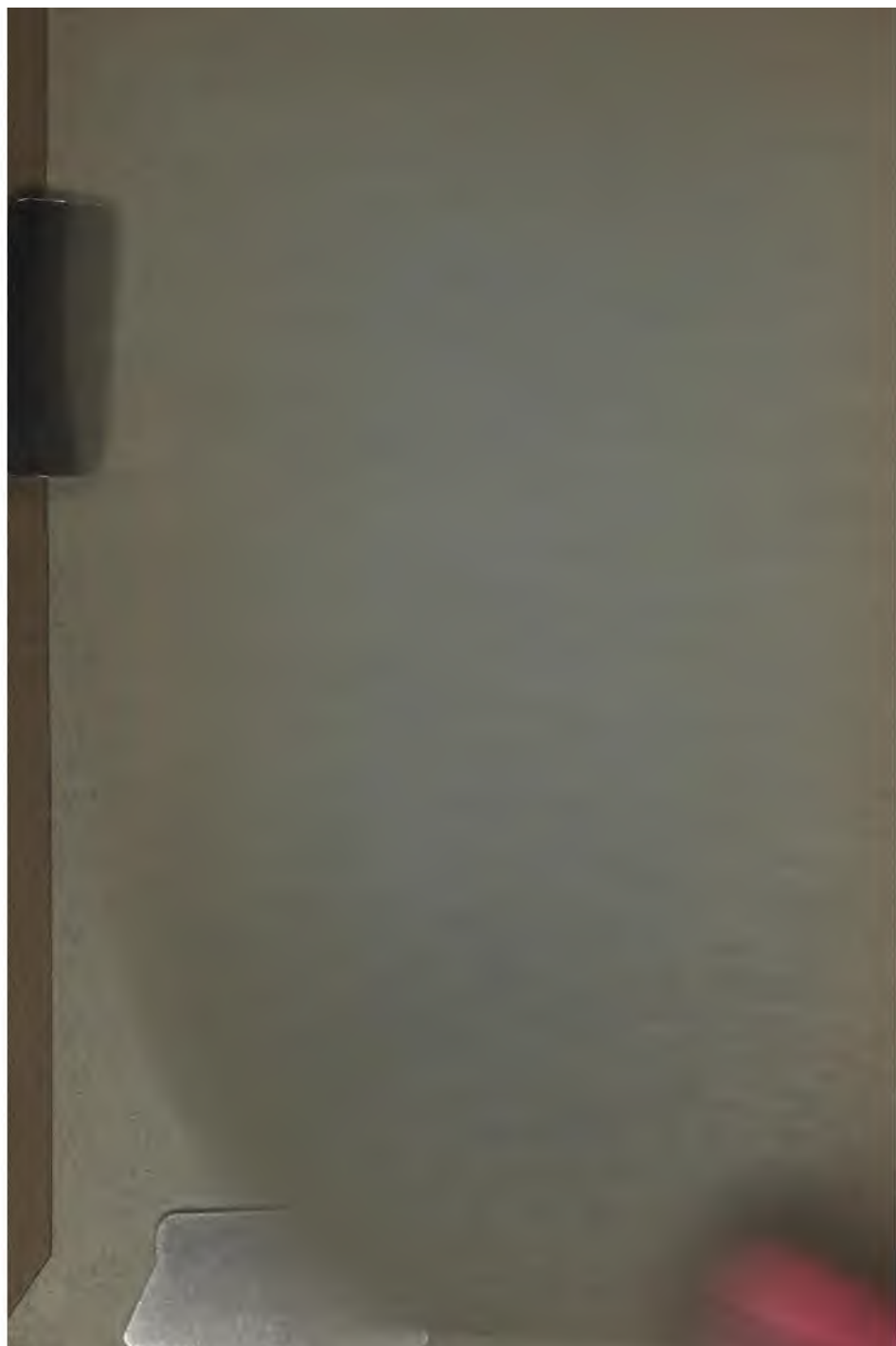
DECEMBER 14, 1899,

BY THE PRESIDENT,

HON. CARL SCHURZ.

PUBLISHED FOR THE
NATIONAL CIVIL-SERVICE REFORM LEAGUE.

1899.



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RENEWED STRUGGLES.

*An Address delivered at the Annual Meeting of the National
Civil Service Reform League, at Indianapolis, Ind.,
Thursday, December 14th, 1899.*

BY HON. CARL SCHURZ.

THE centennial anniversary of the death of George Washington which we observe to-day, cannot but be full of solemn admonition to every American. It has always seemed to me that the greatest historic value of Washington's career to the American people consisted not so much in the battles he fought and in the fortitude with which he upheld the cause of his country during the darkest days of the revolutionary war, as in the fact that as the first President of the United States he set up at the very beginning of our republican government a standard of wisdom, public virtue, and patriotism which has been, and will always remain, to his successors in the presidency as well as to all men in public power the surest guide as to the principles to be followed, the motives to be obeyed, and the public ends to be pursued. His wisdom was so unfailing that during the past century of our history this republic achieved its best successes as it walked in the path of his precepts, and it suffered its failures as it strayed away from that path. His sense of public duty—the duty of serving the true interests of his country as he understood them—was so genuine, strong, and courageous, that no adverse current of opinion, no fear of personal unpopularity, could shake

it. He was not without party feeling, but party was never anything more to him than a mere instrumentality for serving the public good. Nothing could have been farther from his purpose than to make the public service a pasture for personal favorites or an engine for party warfare. He was the very embodiment of the principle that public office is a public trust; and it is one of the greatest inspirations of our work that we are conscious of endeavoring to make the public service what he designed it to be. And from his lofty example we should learn that steadfastness of purpose which shrinks from no duty however arduous or unpleasing. Let us contemplate that which confronts us to-day.

The National Civil Service Reform League was founded to discuss the subject of civil service reform to the end of winning for it the support of public opinion; to promote the enactment of reform legislation by Congress, by the State Legislatures, and by Municipal governments, and finally to watch the enforcement of civil service laws and to keep the public truthfully informed thereon. For the performance of these duties it is essential that the League should be a non-partisan body; and I may truly affirm that it has faithfully and conscientiously maintained its non-partisan character. There have always been among its members Republicans, and Democrats, and Independents, differing in their views as to other matters of public interest, while agreeing as to the specific purposes of the League. Since the enactment of the National civil service law, the League has had to observe and criticise the conduct of five national administrations, three of which were Republican and two Democratic. However widely we may, during this period, have differed among ourselves as to the tariff, or imperialism, or the relative merits of parties or party leaders, we have always been of one mind as to the duty of praising in the conduct of each administration concerning the public service what was to be praised, or of criticising that which may have called for censure—praising or blaming in a spirit of perfect impartiality, and endeavoring to find and to tell

the plain truth without the slightest bias of favor or of ill-will.

The faithful performance of the unpleasant part of this duty has occasionally drawn upon us, now from Democrats and then from Republicans, the charge that we were chronic fault-finders—never satisfied, always discontented, sometimes even with what was done by officials who had themselves been classed among the civil service reformers. Those who make this charge do not consider that it is the first duty of this League to hold up the true standard of civil service reform, and to be dissatisfied and to find fault with everything that does not come up to that standard. If it failed to do this, it would not be true to the reason of its being. It would be as flagrantly guilty of dereliction of duty as a policeman refusing to repress a breach of the peace that happened before his eyes, or to give warning to the occupant of a house the street door of which he found open during the night.

I find myself impelled to make these remarks by the unfortunate circumstance that we are now confronted by the duty of discussing the attitude of the present national administration with regard to civil service reform under especially critical circumstances. As to its relations with President McKinley, we all know that this League accepted his early promises with warm demonstrations of confidence, and greeted with expressions of grateful approval every one of his words or acts that looked like a fulfillment of those pledges. It was profuse in its commendation of his order of July 27, 1897, concerning removals, although that order contained also the exemption from the competitive system of a much larger number of positions than it added to the classified service; and for a long time the League carefully abstained from public utterance of its misgivings as to the tendency of certain acts of the administration in order to avoid every possible injustice to the President's intentions. It lost no opportunity for respectfully inviting the President's consideration to such violations of the law and the rules as came to our notice, appealing to him for such exten-

sions of the merit system as the public interest seemed to demand, especially cautioning him against the issuing of the recent civil service order of May 29, 1899, while that order was only in contemplation, submitting to him urgent arguments against it and predicting what the inevitable consequences would be. Thus the League has done its full duty to the President. And I may add that if, upon mature reconsideration, the President should remedy the evils now to be complained of, the League would again be as happy to praise as it is now reluctant to blame.

In the meantime, however, we cannot shirk our duty of telling with entire candor the truth about this deplorable business, as we understand it. I frankly confess that on account of my position of antagonism to other policies of the administration, the performance of my part of that duty is an especially unwelcome task to me. I should gladly have left it to some one else, had that been possible. I can now only say that I shall conscientiously follow the rule of strictly impartial judgment as the League has so far always observed it; and if I err at all, it will be in the way of moderation of statement and charitableness of inference.

The most conspicuous and important event of the last year was the President's civil service order of May 29. There can be no doubt, for every observing man has witnessed the symptoms of it, that this order has given an unprecedented impulse of encouragement to the reactionary forces working against civil service reform. The spoils politicians and their following hailed it with a shout of triumph. Many of them expressed the confident hope that now the beginning of the end of civil service reform had come. The general expression of public opinion through the press, even through not a few papers otherwise strongly favorable to the administration, was a decided disapproval of the act.

This order, however, does not stand as an isolated fact. It appears rather as the outgrowth, perhaps as the culmination, of a general tendency that has in an alarming degree manifested itself under the present administra-

tion outside of the classified service as well as within it.

Ever since the introduction of the spoils element in the federal service members of Congress, Senators as well as Representatives, have sought to usurp the constitutional function of the Executive in the making of appointments to office, and this has been one of the principal sources of demoralization in our political life. Every administration, without distinction of party, has yielded more or less to that arrogation of members of Congress, thus fostering the dangerous abuse. But,—and here I am stating only a fact so notorious that nobody will dispute it—never has the President's constitutional power and responsibility in selecting persons for presidential appointments been so systematically surrendered to Senators and Congressional delegations as during the last years ; and never has that surrender so conspicuously served as an official recognition and as a practical support of boss rule in our politics.

As an illustrating instance we may regard the changes that have been made in consular positions. For a long time the commercial community has by all sorts of demonstrations and appeals endeavored to induce the government to take that branch of the service out of politics. The administrations preceding this have been sadly delinquent in satisfying this wise and patriotic demand—a fact which this League from time to time brought to the public notice by unsparing criticism. But a beginning of reform was at least made by the last administration, which might have been developed into something valuable. Not only has this beginning, instead of being so developed, been turned into a burlesque, but there have been, during the last three years, more changes of a political character in the consular service than during any corresponding period in the recent past.

There has always been since the enactment of the civil service law a certain disinclination on the part of some officers to comply with the law and the rules as well as with the executive orders issued under it, and in

some instances distinct violations of the law and the rules, or acts of disobedience to executive orders have gone unpunished. But under former administrations some offenders at least were duly disciplined so as to let public servants know that they could not with the expectation of entire impunity treat the civil service law with contempt. Now page upon page of the reports of the Civil Service Commission has during this administration been filled with recitals of such contempt, some of a most defiant nature, and again and again has this League appealed to the President for the due correction of such lawless conduct, and yet in not a single instance has the offending officer been removed. On the contrary, a great many of such offences committed before the order of May 29th was issued, have been formally condoned by that order.

The platform of the party in power contained the solemn pledge that the civil service law should not only "be thoroughly and honestly enforced" but also "extended wherever practicable." Not a single new branch of the service has by this administration been brought under the merit system. On the contrary, a very large number of clerical appointments were under the war emergency acts made in Washington alone without examination, and in the face of the fact that the Civil Service Commission stood prepared to furnish from its eligible lists of examined candidates all of the extra force that might be needed,

The notorious wastefulness in the taking of the last census and the many imperfections of that work had, confessedly, in a large measure been owing to the organization of the census force on the political spoils plan. The enlightened public opinion of the country was therefore united in demanding that the taking of the census of 1900 should be organized on the basis of the merit system wherever practicable. But there are under the Census Director appointed by this administration, 2,500 clerks to be employed, and they, as well as the rest of the force, are to be appointed on the direct nomination by Congressmen. What kind of

material is furnished by such nominations appears from a recent complaint of the Census Director reported in the press : "They cannot spell and they cannot do ordinary arithmetic. Fifty per cent. fail, and they fail because they cannot divide 100,000 by 4,038; that is they cannot get a correct result." And such men are urged for appointment by political influence. They would never have dared to apply under a competitive system. The pass examinations instituted by the Director will, as they always do, serve, not to secure the selection of the fittest persons, but only to eliminate the most incapable. This is common experience.

It is true, the war emergency appointments, as well as those in the Census Office, were excepted from the operation of the civil service rules by the legislative action of Congress. But it is also true that in neither case the Executive made the slightest attempt, either by official recommendation to Congress or otherwise, to bring about the "extension" of the civil service law over those employments, in accordance with the pledge of the Republican platform. On the contrary, whatever intervention there was by Administration officials, went distinctly in the opposite direction.

It was under such circumstances that the President issued his civil service order of May 29. That order withdrew from the civil service rules thousands of positions—a much larger number than preceding rumors had led us to apprehend. By extending the facilities of arbitrary transfer from lower to higher positions, by making possible, and thus encouraging, party reprisals on a great scale with each change of administration through ex-parte re-examinations of removals for cause without limit of time, by enlarging the power of making temporary employments permanent, and even by materially weakening the President's order of July 27, 1897, concerning removals, which at the time we praised so highly, it has opened new opportunities for circumventing the civil service law. I need not go into detail, for the matter has been well elucidated by the interesting public correspondence between the Secretary of

the Treasury and Mr. McAneny, the Secretary of the League, which took place some time ago, as well as by various special reports submitted at this meeting of the League.

But the significance of the President's order is not determined by the number and individual importance of the places excluded from the competitive system. It consists still more in the circumstance that the solemn pledge of the party in power that "that the civil service law shall be thoroughly and honestly enforced and extended wherever practicable," and the President's own pledge never to take a "backward step upon this question," were distinctly broken. It consists in the fact, that while since the enactment of the civil service law, every President made valuable additions to the area of the merit system, now for the first time, by President McKinley's order of May 29th, the area of the merit system has been substantially curtailed. While the action of every other President was in the forward direction characteristic of an advancing movement, President McKinley's order was the first distinctly backward step indicative of a generally receding tendency.

I am aware the originators and the defenders of the order claim that it not only was not designed to be a backward step, but that it was only better to regulate the reformed service, and to insure the permanency of the progress hitherto made. I shall not question the sincerity of this claim, but only consider its justice and pertinence. To judge correctly the ultimate consequences which such an act will be apt to draw after it, the reasons given for it are of the greatest moment. For if those reasons were held to be good as to the cases now in question, they will also be held to be good in the future as to cases of a similar nature. In this respect nothing could be more instructive than the public defence made of the several provisions of the President's order by the Secretary of the Treasury, who stepped forward as the main champion of the act and may well be regarded as the administration spokesman.

Here is an illustration furnished by him. The Presi-

dent's order takes the "shipping commissioners" from under the competitive rule, and confides their appointment to the so called discretion of the appointing power. I choose this example for first discussion because the exemption is in this case comparatively unimportant as to the number of positions concerned, and the reason given for it seems especially plausible. That reason, in the language of the administration spokesman, is that the duties of that office are "quasi-judicial in their character, and it is needless to point to the fact that an examination will not point out the presence of the judicial temperament." This has a fair sound. But is it a good reason for excepting positions of that kind from the competitive test? That an examination will not surely "point out the presence of the judicial temperament" may be admitted. But may not an examination demonstrate other capabilities required for the discharge of the duties in question, among them a knowledge of the things with which the judicial temperament will in that office have to deal? The administration spokesman was, perhaps, not aware that in the British India services those who wish to be judges in India and who need at least as much of the judicial temperament as our shipping commissioners, have to go through the examination mill, and that this is considered as one of the peculiar virtues of that system. He may also have forgotten that a shipping commissioner appointed upon competitive examination will, during his term of probation have an opportunity for showing whether he has or has not the necessary judicial temperament, that, if he has not, he may be dropped, and that, as to this matter, the shipping commissioners might, therefore, safely have remained in the classified service.

But let us go further. Since they have been taken out of the classified service for such a reason, who is there to test the "judicial temperament" of the candidates? The Secretary of the Treasury himself cannot do it, being occupied with too many other duties. Has he, then, any experts on "judicial temperament" at his elbow to do it for him? He himself would smile at the

suggestion, for he knows as well as we all do, that as soon as such places are withdrawn from the protection of the merit system, spoils politics reach out for them, and they are, in nine cases of ten, demanded by—and I regret to say, yielded to—such eminent authorities on “judicial temperament” and on other qualifications for official usefulness as Boss Platt in New York, and Boss Quay in Pennsylvania. Nobody, however, believes, I think, that when such potentates make their selections, the “judicial temperament” or other qualifications of the candidates for the *public* service have nearly as much weight with them as a promise of efficient service to the party machine.

I shall not deny that in this way now and then a man may be put in such an office who has a “judicial temperament” as well as other virtues. But considering that he has really been selected for other reasons, this must be considered a happy accident, which surely should not be regarded as justifying the withdrawal of such offices from the merit system. Such a good officer has hardly got warm in his place when a change of administration occurs and another high authority on judicial temperament demands and gets that place for his man, and then, perhaps, a man that is only a good party worker but has no judicial temperament at all. The fact remains that, when persons are put into office for reasons other than their fitness for the duties to be performed, the aggregate result will inevitably be a demoralized, wasteful and inefficient service.

But this is not even the worst aspect of the matter. Here we have one of the cases in which the reasons given for an act are more injurious than the act itself. It may be that the President, exposed to a severe pressure from the spoils hunters in his own party, thought that he could appease their greed by giving them something and that then the pressure would stop. This will turn out to be a miscalculation. The giving of something to the spoils hunters has never satisfied, but always sharpened their appetite. They will be encouraged to demand more when those in power show a yielding disposition, and es-

pecially when reasons are pointed out to them why they may demand more.

Look from this point of view at the example under discussion. I repeat, the exemption of the shipping commissioners is, as to their small number, comparatively unimportant. But when the administration tells us that they had to be exempted because the required judicial temperament cannot be demonstrated by examination, the case becomes one of far reaching consequence. There is a very large number of positions now under the civil service rules, the duties of which are more or less quasi-judicial, such as the examiners in the patent office, and many division chiefs and high grade clerks in various departments who have to prepare the decision of cases. Now if the shipping commissioners must be exempted from the rules because their judicial temperament cannot be demonstrated by examination, although examination may demonstrate other required qualifications, why should not the other places I have named, be exempted for the same reason, thus to be placed within the reach of spoils politics?

But the question is a still larger one. Everybody knows that there is hardly an employment under the government for the perfect discharge of the duties of which this or that quality of character or mental habit is not desirable, that cannot be demonstrated by examination, while other and perhaps more important qualifications can be so demonstrated. Now, what would become of the whole merit system if we were to admit, as the administration virtually does, that because some qualifications cannot be demonstrated, the ascertainment by examination of other requirements must be abandoned, and the disposition of all those places must therefore be yielded to the party magnates as heretofore? The administration will, no doubt sincerely, say that they did not mean it so. But can they deny that by the futile reasons assigned for the exemption from the civil service rules of the places mentioned, they have given the spoils politicians a very strong encouragement to de-

mand the exemption of a great many more—and an argument sure to turn up some day ?

Here is another example. In his first defence of the President's order the administration spokesman said, among other things: "The exceptions in the Alaskan service have been made necessary by the great distance from Washington and the time consumed in making certifications and appointments under civil service regulations." Again, the number of government places in Alaska is small, and in that respect the exception is unimportant. But if, as the Administration tells us, "the exemptions in the Alaskan service have been *made necessary* by the great distance from Washington," will not, according to the same authority, the exemption from the civil service rules of the colonial service in the Philippines, if we are to have that, on account of the greater distance be still more "necessary ?" Is not this extremely cold comfort to those of our fellow citizens who are in favor of a colonial policy, but who justly believe that such a policy will inevitably result in disaster and disgrace unless carried on under the strictest kind of a civil service system ? Has not thus the administration furnished a very specious argument to the politicians who will insist upon making the colonies, if there be such, pastures of spoils politics ? And did not the administration do this in the face of the fact that, in spite of much greater distance from the seat of imperial government, England is carrying on in India a most elaborate and exacting civil service system to which that part of the British Empire owes nearly all it has of good government ?

Still another example—the deputy internal revenue collectors, of whom there are a good many, and who are officers of great importance, as they have to collect more than half of the national revenue. They were put under the civil service rules by President Cleveland. The spokesman of the present administration has defended their exemption on various grounds—in the first place, because the law vests the appointment of these deputies in the collectors, and they were, therefore,

"according to the highest legal opinion the Treasury Department could get, illegally classified." Let us examine this. Sec. 3148 of the U. S. Revised Statutes provides: "Each collector shall be authorized to appoint by an instrument in writing, under his hand, as many deputies as he may think proper, to be compensated by him for their services; to revoke any such appointment, giving notice thereof as the Commissioner of Internal Revenue shall prescribe; and to require and accept bonds or other securities from such deputies, etc." The question is whether this statute precludes the subjection of the deputy internal revenue collectors to the civil service rules. The administration contends on the authority of "the highest legal opinion the Treasury Department could get," that it does. What was that "highest legal opinion" attainable? I am informed that it was not that of the Supreme Court, nor that of any U. S. Court, nor even that of the Attorney-General, but simply the opinion of Mr. O'Connell, the Solicitor of the Treasury, and that he gave that opinion not even in writing, but orally in an off-hand way. If this information is correct, then the Administration must admit that it is easily satisfied as to the legal merits of a very important matter; for on the other side, declaring that those positions could be legally classified, there stood President Cleveland, who made the order classifying them, and who is far from being considered a mean lawyer, and also Mr. Conrad, a former Solicitor-General of the United States, and Mr. Charles J. Bonaparte, a lawyer of high standing in Maryland, and Mr. Moorfield Storey, a former president of the American Bar Association, whose opinions the Administration might have read in the report of the Civil Service Commission for 1896-7. The Commission itself submitted a strong argument sustaining the legality of the classification.

Now I ask in all candor, what will become of the merit system in the public service if, when a Solicitor of some department says that in his view the classification of a certain numerous force of the service is illegal, that declaration is at once accepted as "the highest legal

opinion the department can get," and the President thereupon actually exempts that branch of the service from the rules?

If we take as valid such reasons for curtailing the classified service, how long shall we be able to resist the spoils-politicians showing us that there are other and far more numerous classes of places, the appointment to which is by statute vested in certain officers, and which, therefore, must be excluded from the merit system? They may even point out to us a statute providing that "each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by law, and such other employees, and at such rates of compensation respectively as may be appropriated for by Congress from year to year," and they may thereupon argue that, the law thus vesting the appointment of clerks and other employees in the heads of departments, no interference by civil service rules with the discretionary power of the heads of departments in making such appointments can be legal. And I should not at all wonder if one or more department solicitors could be found to deliver as their opinion that, although the language of one statute may be a little more elaborate or stronger than that of the other, their legal intent and effect is the same. Such a legal doctrine, applied to all departments, would, of course, sweep away at one swoop the whole merit system, root and branch; and the Secretary of the Treasury, as a friend of civil service reform, would have to find his consolation in thinking that this was "the highest legal opinion the department could get."

As another reason for exempting the deputy internal revenue collectors, the Administration tells us that the Civil Service Commission recommended it. So it did, after having long and strenuously argued that those officers should *not* be exempted. Why did the Commission at last recommend the exemption? It gave its reason in a letter of May 8, 1899, addressed to the President, in these words: "The fact that the Internal Revenue Bureau continued to claim and exercise the right of Col-

lectors to appoint deputies without compliance with the civil service act and rules, notwithstanding the arguments of the Commission to the contrary, was the principal reason for the Commission's recommendation to the President on June 1, 1898, that these positions be included in the list of positions excepted from the requirement of examination "

What a state of things this reveals! Here was the Civil Service Commission faithfully fighting for the enforcement of the law as it stood; on the other side a branch of the government persistently and defiantly violating that law, until the Commission, feeling itself utterly powerless against the government, at last threw up its hands in despair, saying: "Well, rather than have the law openly and continually violated under the eyes of the government, let the law be modified to suit the violators." And then that so-called "recommendation" of the Commission is paraded by the administration as justifying the President's order of May 29!

Consider what a precedent this will be! It teaches the spoilsmen in the public service that they need only find some pretext for rebelling against the civil service law, and that if they carry on that rebellion with sufficient boldness and persistency, they will have good ground for hoping that for the very reason of their bold and persistent lawlessness, the government will complacently revoke the part of the law or of the rules that displeases them. A precedent more demoralizing to the discipline of the service and subversive of the merit system can hardly be imagined.

I am not unmindful of what the administration spokesman has said about the peculiar fiduciary relations existing between the Collectors of Internal Revenue and their deputies, about the responsibility of the Collectors for the acts of their subordinates, about the personal confidence which should prevail between them, and so on. Now, that certain superior officers bear more or less responsibility for the conduct of their subordinates, that there are certain subordinate positions of a more confidential character than others, and that therefore

the superior officers must in such cases have the discretionary power to select their subordinates without being troubled by any civil service rules, is one of the well worn stock arguments of the enemies of civil service reform. There are few positions above the lowest clerkships to which this argument may not be more or less applied, and to which the spoils politicians do not actually apply it.

Against this permit me a recital of personal experience. When, years ago, I became Secretary of the Interior, I thought it best not to take a single person with me into the Department, not even a private and confidential secretary. That private secretary I selected from among the force already in the department. I soon found a man of excellent capacity, entire trustworthiness and good manners, who at the same time had the important advantage of being already acquainted with departmental affairs. So much for that peculiarly "confidential" position. Now, when looking at the papers put before me for my signature—papers of importance which I could not possibly study in detail—I felt myself as to the discharge of very grave responsibilities—much graver than those of an Internal Revenue Collector—to an appalling extent at the mercy of my subordinates. At the same time I was set upon by Senators and Representatives and other political magnates, who urgently asked me to fill existing vacancies, or vacancies to be made by removals, with men whom they recommended to me for appointment. Most of them demanded places for their favorites for reasons which had nothing to do with the public interest. Some told me that in my responsible position I must have subordinates whom I could trust, and they were ready to furnish me just such men. I heard them all and concluded that the public interest would be best served if the vacant places in my department—fiduciary as well as others—were filled on the principles of the merit system, and I attempted the introduction of that system in the department—imperfectly of course, as I had no appropriation for the purpose, and only an im-

provised and constantly changing machinery, depending on clerks whose time was temporarily not fully employed, or who were willing to work after office hours. I carried this on for four years against the bitterest opposition of the patronage mongers high and low, and I learned thus from actual practice on that field of very complicated duties and heavy responsibilities quite thoroughly to appreciate the practical value of the merit system in the conduct of the service, and also the true nature of the difficulties standing in the way of a full development of that system.

Now, when in discussing this matter anybody indulges in solemn hints about mysterious things which the official mind has to deal with, but which the unofficial mind is unable to understand, he cannot make any impression upon me. I am familiar with the augur's wink and with the smiles that follow it. It is equally useless to talk to me about fiduciary or confidential positions which should be filled only at the free discretion of the appointing officer; for I know from abundant experience that in an overwhelming majority of cases free discretion is a myth and that the fiduciary appointments are dictated by political influence; and I know also that in a well-regulated civil service with merit appointment, merit promotion and merit tenure all those so-called extraordinary qualifications for certain positions can easily be secured without exposing any of the places to the chance of becoming the prey of spoils politics.

In fact, after four years' service, I left the Interior Department with the firm conviction that the positions in it, and no doubt in all the other departments, would, taking the general average, be vastly better filled and that the work would be much more efficiently and economically done—in one word, that the public interest would be much better served, if the whole force in and under those departments, without any exception worth mentioning, were subjected to the civil service rules, including even, if that were possible, the commissioners and assistant commissioners of the different

bureaus, and in each department at least one permanent under-Secretary. And the same four years' official experience convinced me that there is only one real difficulty obstructing the full development of the merit system in our public service—and that is the pressure of political influence for patronage, and the lack of resisting power among appointing officers to stand firm against that pressure. Take away that one difficulty, and all your troubles about needed "extraordinary qualifications" that cannot be demonstrated by examination, and about "fiduciary positions," and about distances making the application of the merit system impracticable, and so on, will at once vanish into nothing. And it is the most baneful feature of the President's order of May 29 that it so seriously increases that difficulty by strengthening the belief of the spoils hunters and patronage mongers that neither the pledge of a great party to "enforce the civil service law honestly and thoroughly, and to extend it wherever practicable," nor a President's solemn promise that there shall be "no backward step" will hold out against the pressure of political influence if that pressure be only persevering and defiant.

You must pardon me for once more referring to my personal experience. Having served six years in the United States Senate, where, at the beginning at least—I was soon cured—I thought I had to do some patronage business myself, and where I learned pretty thoroughly how that business is usually done by members of Congress,—and having been four years at the head of a great government department where I learned still more, and having been for seventeen years a more or less active member of an association considering it its especial duty to study the means by which the merit system may be established, perfected, sustained and extended, and also the means by which its enemies seek to demoralize, to cripple, and finally to destroy it, I may, perhaps, without undue assumption pretend to some practical knowledge of the subject. And that knowledge fully warrants me in saying that if I were in a

position of power and desired to undermine the merit system in the public service with a view to its final overthrow, but without proclaiming myself its enemy, the things contained in the President's order of May 29th, together with the reasons given to justify them, would suggest themselves to me as among the most effective shifts to bring about that end.

In saying this I candidly disclaim the intention of insinuating that such was the purpose of the President, or that of his official defender in this case, the Secretary of the Treasury. On the contrary, I honestly believe that they would gladly have carried out the pledge of the Republican platform "honestly and thoroughly to enforce the civil service law and to extend it wherever practicable," could they have done so without encountering the fierce antagonism of the so-called "practical politicians" within their own party. I further believe that in trying to appease that antagonism they would have liked to abstain from anything that might seriously injure the merit system, but that they relied upon subordinates to get up suitable amendments to the civil service rules and were misled by the advice of those subordinates farther than they had originally intended to go; and that finally when the thing was done, and met with very severe criticism, not only on the part of this League but of public sentiment generally, they tried to justify their step, as men who suddenly find themselves in a false position often do, by giving all sorts of reasons for their act—reasons probably also suggested by their ingenious subordinates—which made the effects of their act and their own situation even much worse than they otherwise would have been.

This is my candid belief; and that belief is not in the slightest degree shaken by the statement made by the Secretary of the Treasury in his public defense, that several of the exemptions were never demanded of him by any politicians. No wonder, for the politicians knew where they could put in their work much more effectively below. The real motive power was in any case the greed of politicians for patronage and their pressure

upon the administration. Those who believe this as I do, can render the administration, as well as the cause of reform, no better service than by laying bare the true nature and tendency of what has been done, and by expressing at the same time the hope that after a sober and careful re-examination of the matter the President may see his way clear for retracing his step. After such a re-examination he will hardly fail to recognize the fact that his order of May 29, with the reasons given for it, has been the most hurtful blow civil service reform has ever received since the enactment of the law, as the reception that order has met with from friend and foe must have convinced him that the people generally regard it as such, and that subsequent excuses and explanations have not altered that judgment.

Neither can he close his eyes to the fact that encouraged by the general backsliding tendency under his administration that culminated in the order of May 29th, some of the most conspicuous abuses of the spoils system which under his immediate predecessors had become much restricted, are now developing new vitality. It is too notorious to be denied that persons in the Federal service have become much more forward again in what is called "pernicious partisan activity" than they were for many years. During several administrations, for instance, the business community of New York had been accustomed to see the great Custom House of that port "out of politics," the Collector of Customs devoting himself to his official duties without taking any active part in party movements. But now the Collector is a prominent figure again in party caucuses and other gatherings, and occasionally he finds it even proper to cheer his audiences with exhilarating remarks about the actual or prospective relaxation of the civil service rules by Executive action. Thus the great Custom House of New York is out of politics no longer; and the same may be said of other large or small government establishments.

The contemptuously sportive view of the civil service law which at present is taken here and there has, of

course, been very much encouraged by an opinion delivered by the Comptroller of the Treasury, Mr. R. J. Tracewell, as to whether persons shown to have been appointed in violation of the civil service rules should nevertheless be paid their salaries. The question having been referred to him by the Secretary of the Treasury, Comptroller Tracewell decided that inasmuch as the President has, under the law, made the civil service rules, if not directly then at least by his approval, he could also suspend them or sanction their suspension by his agents or subordinate officers; and that if the rules were thus suspended in individual cases by the appointment of persons in violation of them, the Comptroller has no choice but to accept the certificate of appointment as conclusive and to sanction the payment of the salaries of the persons so appointed. This decision looks like a huge jest at the expense of the civil service law; and we might conclude that it was intended as such when we read the following sentence which forms part of that important document: "If this ruling has a tendency to muddy the stream of civil service reform, which should always flow pure and clean from its fountain throughout its course, I can only answer that it would be as futile for me to attempt with my limited jurisdiction to purify this stream, as it would be to bail the ocean of its waters with a pint cup." Mr. R. J. Tracewell, who owes his appointment as Comptroller not to a civil service examination, but to the so-called free discretion of the President, has, it may be said by the way, furnished by this elegant sneer at civil service reform, in a judicial decision, a fine illustration of that "judicial temperament" which, according to the Secretary of the Treasury, every officer exercising quasi judicial functions must possess, and to secure which civil service examinations must be discarded and the appointing power must be left to make its choice with untrammelled freedom. I have only to add that this decision has been accepted by the administration as final, that the persons appointed in proven violation of the civil service rules are regularly paid their

salaries, that in this respect there is no trouble in the way of further illegal appointments, and that Mr. Tracewell has, after this performance, not been disturbed in his important position of Comptroller, where he continues to enjoy ample opportunity for giving his rare judicial temperament full play.

It is also a matter of notoriety that the levying of assessments upon persons in the Federal service has again assumed very formidable dimensions. This abuse, it is true, has to some extent existed all the while. But this year the public mind was rather seriously startled by the unusually defiant boldness with which the Republican State Committee of Ohio, the President's own state, put the Federal service all over the country under contribution to its party campaign fund, instructing, with rare cynicism, the public servants how the penal clauses of the law against assessments could be circumvented. This truly remarkable proceeding went on without the slightest mark of disapproval on the part of those charged with the execution of the law, until at last the Civil Service Commission remonstrated against it, the immediate result of which remonstrance was, according to the press reports, that the Republican State Committee of Ohio rushed out another call admonishing the Federal officeholders to be quick in paying up. In this way an unusually large amount of money was obtained from the public servants. This is not surprising, for, as everybody acquainted with placeholders knows, the member of the classified service feels himself no longer secure in his tenure if he merely does his duty faithfully and efficiently, but he is troubled again by a sense of danger unless he win the favor of the party potentates by rendering such political service as may be exacted of him. That this danger really exists I will not assert. But the feeling of apprehension, created by the things I have been describing, very extensively does exist, and it cannot fail to produce demoralizing effects most hurtful to the service.

An effort is being made to bring to justice those who have violated the law by the levying of assessments in

the case mentioned as well as in another case, on the ground of an opinion recently rendered by ex-Senator Edmunds, who was the chairman of the Judiciary Committee of the Senate which reported the statute in question; and it is hoped that a salutary example will be made of the guilty persons. This, if successfully carried through, would indeed serve to prevent the repetition of such glaring excesses in the same line. But much more drastic measures on the part of the Administration, if it wishes to demonstrate its earnestness as to the maintenance of the merit system, will be required to cure that deterioration of the atmosphere in the public service which has been brought about by the multiplication of places filled by political influence as well as by the impunity with which in so many conspicuous cases the rules have been circumvented and the spirit of the law has been openly defied—an impunity which but too easily is taken for approval.

In this respect, I must confess, the paragraphs in the President's message referring to the civil service, fail to afford much comfort, for they may be summed up in the one sentence—that everything is now in satisfactory condition. We can only hope that the cheerful optimism betrayed by this utterance will not prevent the President from considering worthy of notice the investigations made by this League and the resulting reports upon the happenings in various branches of the service. Those reports, containing not mere theories or inferences, but facts, may serve to open his eyes to many things of which, it must be assumed, he was not aware or which, at least, he may not have seen in their true character, when he wrote his message, but a thorough appreciation of which may induce him to apply the appropriate remedies and to retrieve the grievous missteps we have now to deplore.

The picture of the retrograde tendencies in the Federal service which my duty to tell the plain truth has compelled me to draw, is relieved by some facts of a more encouraging nature. In the State of New York a distinct advance as to the maintenance as well as the

further extension of the merit system has been achieved, with the valuable aid of Governor Roosevelt, by the enactment of a new civil service law. That law not only sweeps away the contrivances by which the late State administration sought to "take the starch out of civil service," but it places the merit system throughout on the firm basis of well-ordered regulations, securing to it a practicable machinery, and it provides for the extension of its operation over the counties, in which it had formerly not been in force. Even in the city of New York, where the sinister genius of Tammany Hall devotes itself with the accustomed zest and skill to the task of circumventing the civil service law, and where the local Civil Service Reform Association, co-operating with the State authorities, has to fight over every foot of ground, many valuable successes have been scored—at least in crossing iniquitous schemes and in making the ways of the transgressor duly hard. Also on the other side of the continent, in San Francisco, distinct progress has been recorded by the adoption of a city charter providing for the introduction of the merit system in the municipal service.

But the fact in which the friend of civil service reform may find the most cheering assurance of the triumph of his cause in the future, consists in the striking evidences of the growth of that cause in the favor of public opinion. The time is not far behind us when civil service reform was superciliously sniffed at as a whimsical notion of some dreamy theorists not to be taken seriously. Even when after the first attempt at the practical introduction of the merit system in the Federal service President Grant dropped it again in consequence of the refusal of Congress to make any appropriation for its support, the people generally accepted the event with cool indifference. There were indeed expressions of regret, but they came only from a comparatively small number of citizens who had become especially interested in the subject. But when six months ago President McKinley's order curtailing the area of the merit system appeared, the manifestations of popular disapproval were

far more general and earnest than the originators of the measure had expected and than the friends of the merit system had dared to hope. Not even party spirit, usually so potent in such cases, was proof against the popular feeling of disappointment, not a few journals otherwise staunch partisans of the Administration, giving voice to that feeling with remarkable emphasis.

The reason is simple. In President Grant's time civil service reform still appeared in this country as a new and strange scheme, running in the teeth of the political notions and habits of half a century, and clouded over by the uncertainties of a doubtful experiment. Now it is a stranger no longer. The people have made its acquaintance by actual observation. They know that it is not an idle fancy, but an eminently sober and practical conception; that its aim is to remedy real evils and to produce a real good, by delivering our political life of fatally demoralizing influences, and by giving the republic efficient, economical, and honest service. They know that it pursues this aim by methods which every intelligent business man standing at the head of a large establishment and exposed to constant and promiscuous pressure for employment would adopt for himself as eminently business-like. In one word, they know that civil service reform as embodied in the merit system is simply the application to the public service of the plainest principles of common sense and common honesty. Even its enemies are at heart recognizing its virtues.

This has become so widely understood by people of all classes in all parts of the country, that the propagation of correct knowledge of the objects and the means of civil service reform is becoming from day to day an easier task to the advocates of the merit system. Their foremost duty is now to baffle the efforts of the opposing forces, which, seeing the futility of attacking civil service reform on its general merits, strive to cripple or pervert it in the detail of its operation. Those forces consist of the small politicians who covet the offices for their personal advantage, the political leaders who seek to control the offices as party spoil in order to hold together and in-

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